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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,766	10/22/2001	Sin Hui Cheah	RCA 89520	2040
7590 Joseph S Tripoli Thomson Multimedia Licensing Inc PO Box 5312 Princeton, NJ 08540			EXAMINER SELLERS, DANIEL R	
			ART UNIT 2615	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/11/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/030,766

Applicant(s)

CHEAH ET AL.

Examiner

Daniel R. Sellers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9, and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-7 and 9-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaganas, Tanaka et al. (USPN 6,446,177), and Truong (hereinafter Kaganas, Tanaka, and Truong, respectively).

3. Regarding **claim 1**, Kaganas teaches a handheld audio device comprising:

identifying a selected audio data file in response to a user input (Col. 2, lines 10-18, Col. 5, lines 4-14, and Fig. 1);

identifying a decoder file associated with the selected audio data file, the decoder file comprising a program to control the operations of a digital signal processor (DSP) (Col. 2, lines 35-62, Col. 5, line 65 - Col. 6, line 18, and Col. 6, lines 46-51);

transferring the selected audio data file and the associated decoder file to the DSP, wherein the audio data file and the associated decoder file are both stored in a single removable data storage device coupled to the handheld audio playback device (Col. 6, lines 11-33);

determining a unique identification associated with the removable data storage device coupled to the handheld audio playback device (Col. 4, lines 55-60);

decoding the selected audio data file in accordance to the decoder file in the DSP, wherein the decoding is performed entirely within the DSP (Col. 6, lines 18-30); and

providing the decoded audio data file to an output device (Col. 5, lines 31-36).

Kaganas teaches a unique identification associated with a single removable data storage device. They teach decoder files, or programs, associated with different music (Col. 6, lines 11-18, and lines 46-51). However, they do not teach the step of decrypting the audio data file using a unique identification associated with the storage device, nor do they teach decrypting the associated program using a first key.

Tanaka teaches a memory system for protecting the copyright of literary works (abstract, Col. 12, lines 48-55 and Fig. 10A-13). The literary works are protected on the flash card with encryption based on a unique identification associated with the storage device (Col. 15, lines 50-67 and Fig. 9A). The unique identification is not usually modifiable by the end user (Col. 7, lines 35-44, Col. 14, lines 2-10, and Fig. 7), and it is used to limit the use of the literary works associated with one memory card (Col. 8, lines 9-51 and Fig. 8). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Kaganas and Tanaka for the purpose of protecting copyrights. However, the combination of Kaganas and Tanaka does not contemplate the encryption method of the associated codec's, decoder files, or programs, which is found on a memory card in the system taught by Kaganas.

Truong teaches a system for controlling access to information (Col. 1, lines 59-63). The teachings include securing a recording medium (Kaganas teaches a memory

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card, or MMC card) using a unique identification (Col. 3, lines 22-32), which is used to encrypt the audio (Tanaka, Col. 15, lines 50-67). The recording medium contains data (Kaganas teaches an audio data file) and/or applications (Kaganas teaches programs, or decoder files), and decoding algorithms in encrypted form (Truong, Col. 3, lines 10-16 and line 26). Truong teaches that the security table, which includes various decoding algorithms, is used to create the encoded information (Col. 3, line 26 and lines 34-36). The decoding utilizes the unique identification specific to the recording medium to decode the data (Col. 4, lines 24-58). The unique encrypted signature is based on information on the recorded medium (Col. 4, lines 44-45) and the keys associated with decrypting the associated data and programs are also based on values found in a security table (Col. 3, lines 25-26 and lines 34-36). This reads on "decrypting the audio data file using the unique identification and decrypting the associated decoder file using a first key", wherein the unique identification, as taught by Tanaka, is a CIS value, or the like, taken from the recording medium to create an encrypted signature (Tanaka, Col. 15, lines 50-67) and the first key is stored in the security table (implied that the various keys are used to encode/decode the various data and/or applications; Col. 3, lines 13-16 and Col. 4, lines 6-10). It would have been obvious for one of ordinary skill in the art to combine the teachings of Kaganas, Tanaka, and Truong for the purpose of copy protection (Col. 1, lines 9-12). One of ordinary skill in the art at the time of the invention can appreciate that the protection of decoding programs and audio data files is more secure when different keys are used to protect the programs and files individually.

4. Regarding **claim 2**, the further limitation of claim 1, see Kaganas

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... further comprising the step of reading a configuration file that associates each one of a plurality of audio data files with a particular one of a plurality of decoder files, and the identifying the decoder file step comprises identifying the decoder file using the configuration file.

Kaganas teaches the use of a plurality of codecs, and it is inherent that a codec is associated with a file format. Kaganas also teaches the use of an operating system for a plurality of uses, wherein they teach the use of Windows 95® when discussing e-mail and other communication features (Col. 3, lines 28-34). Popular operating systems maintain a list of programs associated with file types, such as ASCII text files. It is inherent that an operating system used for playback on the system of Kaganas maintains a configuration file regarding the association of codecs and audio data files.

5. Regarding **claim 3**, the further limitation of claim 2, see Kaganas

... wherein the removable data storage device is a solid state data storage device. (Col. 7, lines 44-52)

Kaganas teaches the use of solid state removable media.

6. Regarding **claim 4**, see the preceding argument with respect to claim 1:

Kaganas teaches a user input means (Fig. 1, unit 44), data input means (Fig. 1, unit 37), a digital signal processor (Fig. 1, unit 31), and a micro-controller with these features (Fig. 1, unit 32 and Col. 2, lines 10-13). The combination of Kaganas, Tanaka, and Truong teach the amended features.

7. Regarding **claim 5**, the further limitation of claim 4, see the preceding argument with respect to claim 3. Kaganas teaches the use of a solid-state data storage device that is removable.

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8. Regarding **claim 6**, see the preceding argument with respect to claims 4 and 5.

The combination of Kaganas, Tanaka, and Truong teaches a portable audio playback system with these features.

9. Regarding **claim 7**, the further limitation of claim 6, see the preceding argument with respect to claim 5. Kaganas teaches a removable solid-state storage device.

10. Regarding **claim 9**, see the preceding argument with respect to claim 2. Kaganas inherently teaches the use of configuration files with codec-file associations.

11. Regarding **claim 10**, see the preceding argument with respect to claim 1. The combination of Kaganas, Tanaka, and Truong teach these features.

Response to Arguments

Applicant's arguments with respect to claims 1-7 and 9-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRS


SINH TRAN
SUPERVISORY PATENT EXAMINER